

TENTATIVE RULINGS for CIVIL LAW and MOTION September 19, 2012

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6722

TENTATIVE RULING

Case: Conrad v. Ziegler

Case No. CV CV 12-66

Hearing Date: September 19, 2012 Department Fifteen 8:30 a.m.

Defendant Curt Ziegler's requests for judicial notice are **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendant's unopposed petition to compel arbitration is **GRANTED**. This action is stayed pending the arbitration of plaintiff's claims. (Code Civ. Proc., § 1281.4.)

Defendant's request for attorneys' fees incurred to prosecute the petition to compel arbitration is **DENIED**. An award of attorneys' fees should be deferred pending final resolution of which party has prevailed. (Civ. Code, § 1717; *La Pietra v. Freed* (1978) 87 Cal.App.3d 1025.)

Plaintiff's application for a right to attach order is **DENIED**. (Code Civ. Proc., § 1281.8, subd. (b).) Plaintiff does not demonstrate that the award to which the applicant may be entitled may be rendered ineffectual without provisional relief. (*California Retail Portfolio Fund GmbH & Co. KG v. Hopkins Real Estate Group* (2011) 193 Cal.App.4th 849, 856 [arbitration party's apparent insolvency or other evidence showing severe financial difficulties is sufficient to satisfy section 1281.8 ineffectual relief requirement].)

Plaintiff's request for monetary sanctions under Code of Civil Procedure section 128.5 is **DENIED**. This statute has no application to actions filed after December 31, 1994. (Code Civ. Proc., § 128.5, subd. (b)(1).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

TENTATIVE RULING

Case: **Rolon v. Sumner**

Case No. CV PM 11-1063

Hearing Date: **September 19, 2012** **Department Fifteen** **8:30 a.m.**

Plaintiffs Miguel Garcia Rolon and Veronica Garcia's motion to compel discovery and verifications is **DENIED**. (Code Civ. Proc., §§ 2030.300, 2031.310.) Plaintiffs provide no evidence by sworn declaration to support their motion. While plaintiffs' notice of motion references an accompanying declaration, none has been filed with the Court.

The notice of motion does not provide the correct address for Department 15. Department 15 is located at 1100 Main Street, in Suite 300, in Woodland.

The notice of motion cites the Local Rules of Sacramento Superior Court. It does not provide notice of this Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party is ordered to notify the opposing party or parties immediately of the tentative ruling system and to be available at the hearing, in person or by telephone, in the event the opposing party or parties appear without following the procedures set forth in Local Rule 11.4(a).

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.